



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1995

Mr. John Steiner  
Division Chief  
Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR95-1467

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34468.

The City of Austin (the "city") received an open records request for a particular offense report. You contend the report must be withheld from the public in its entirety pursuant to common-law privacy as incorporated into section 552.101 of the Government Code.<sup>1</sup>

Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). After reviewing the offense report at issue, we believe that only a very small amount of the information at issue meets the test for common-law privacy. We have marked the portions of the report that the city must withhold under section 552.101; the remainder of the report must be released.

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<sup>1</sup>Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kathryn P. Baffes". The signature is fluid and cursive, with the first name "Kathryn" being more prominent.

Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

KPB/RWP/rho

Ref.: ID# 34468

Enclosures: Marked documents

cc: Mr. Ken Bates  
Bates Investigations  
4107 Spicewood Springs Road, Suite 210  
Austin, Texas 78759-8646  
(w/o enclosures)